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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) No. CR 07-00373 RMW
14 Plaintiff,)
15 v.)
16 NED ROSCOE, and)
JOHN ROSCOE,)
17 Defendants.)
18 _____)

STIPULATION AND [PROPOSED]
ORDER TO CONTINUE STATUS
HEARING AND TO EXCLUDE TIME
FROM JANUARY 28, 2008 TO APRIL 7,
2008 FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A),(B))

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20 On January 28, 2008, the parties appeared for a hearing before the Court for a status
21 hearing. At that time, based upon the request of the parties, the Court set the matter for a status
22 hearing on February 25, 2008 to allow for counsel's review of the discovery in this case. The
23 parties thus stipulated to an exclusion of time under the Speedy Trial Act to allow counsel for
24 defendants reasonable time for effective preparation. Since then, the matter has been reassigned
25 to the below-signed AUSA. The parties have stipulated to a continuance of the hearing until
26 April 7, 2008, if that is agreeable to the Court.

27 The United States hereby submits this written request for an order finding that said time
28 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, in that the ends of justice are served

1 by taking such action and outweigh the best interests of the public and defendant in a speedy
2 trial. 18 U.S.C. § 3161(h)(8)(A). Further, the failure to grant such a continuance would
3 unreasonably deny counsel for defendants and the Government the reasonable time necessary for
4 effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §
5 3161(h)(8)(B)(iv).

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7 DATED: February 21, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

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EUMI L. CHOI /s/
Assistant United States Attorney

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PETER LEEMING /s/
Counsel for Defendant

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ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the hearing be continued from February 25, 2008 until April 7, 2008. Further, it is ORDERED that the time between January 28, 2008 and April 7, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the ends of justice are served by taking such action and outweigh the best interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). Further, the failure to grant such a continuance would unreasonably deny counsel for defendants and the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

IT IS SO ORDERED.

PATER

**RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE**